

MICHAEL A. MARRERO,)
)
Plaintiff,)
)
)
)
v.) **No. 3:11-00249**
) **Judge Sharp**
VOLT TELECOMMUNICATIONS)
GROUP, INC.)
)
Defendant.)

On November 1, 2011, the Magistrate Judge entered a Report and Recommendation (“R & R”) (Docket No. 23), recommending that Defendant’s motion to dismiss, or in the alternative, to compel arbitration and stay judicial proceedings (Docket No. 13) be granted and that this case be dismissed without prejudice so that Plaintiff can pursue arbitration under the terms of two written employment agreements he entered into with Defendant. In so ruling, the Magistrate Judge noted that Plaintiff had not responded to the motion to dismiss, despite the fact that a show cause order had been issued. The R & R specifically provided that Plaintiff had fourteen days within which to file any objections.

Having reviewed the matter in accordance with Fed. R. Civ. P. 72, the Court agrees with the

Magistrate Judge's recommendation that Defendant's motion be granted. Further, because Plaintiff has indicated he no longer wants to pursue this matter, the Court will dismiss the action with prejudice. Accordingly,

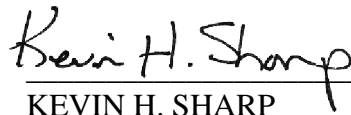
(1) The R & R (Docket No. 23) is hereby ACCEPTED and APPROVED;

(2) Defendant Volt Communications Group Inc.'s Motion to Dismiss or, in the alternative to Compel Arbitration and Stay Judicial Proceedings (Docket Entry No. 13) is hereby GRANTED insofar as Defendant requests dismissal of this action;

(3) This case is hereby DISMISSED WITH PREJUDICE; and

(4) The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp", written over a horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE